MONTANA LEGISLATIVE HISTORY

Chapter 456 1991

Bill H 401 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Feb 11	✓ C	Hearing Date(s)	Mar 12	✓ C
		____C			____C
		____C			____C
		____C			____C
Date Out		____C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

1/30	FIRST READING		
1/30	REFERRED TO BUSINESS & LABOR		
1/30	FISCAL NOTE REQUESTED		
2/06	HEARING		
2/06	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		
2/07	COMMITTEE REPORT—BILL PASSED		
2/08	2ND READING PASSED	50	47
2/10	3RD READING PASSED	56	43
	TRANSMITTED TO SENATE		
2/11	FIRST READING		
2/11	REFERRED TO BUSINESS & INDUSTRY		
3/13	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/26	2ND READING CONCURRED	50	0
3/27	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	91	6
4/11	3RD READING CONCURRED AS AMENDED	74	23
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
5/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 507		
	EFFECTIVE DATE: 07/01/97		

HB 400 INTRODUCED BY HAGENER, ET AL. *LC1087 DRAFTER: ERICKSON*

AUTHORIZE THE ISSUANCE OF SCOUTING LICENSE PLATES

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO TRANSPORTATION		
1/30	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/05	FISCAL NOTE PRINTED		
2/10	HEARING		
3/10	TABLED IN COMMITTEE		
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL		
	DIED IN COMMITTEE		

HB 401 INTRODUCED BY BARNETT, ET AL. *LC1226 DRAFTER: PETESCH*

REVISE THE LAWS GOVERNING BAIL

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO JUDICIARY		
2/11	HEARING		
2/12	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	98	0
2/18	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO JUDICIARY		
3/12	HEARING		
3/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/17	2ND READING CONCURRED	49	0
3/18	3RD READING CONCURRED	48	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	96	0

4/11	3RD READING CONCURRED AS AMENDED	93	4
4/20	SIGNED BY SPEAKER		
4/24	SIGNED BY PRESIDENT		
4/25	TRANSMITTED TO GOVERNOR		
4/30	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 456		
	EFFECTIVE DATE: 10/01/97		

HB 402 INTRODUCED BY HOLLAND *LC1263 DRAFTER: EVERTS*

REVISE THE CONSERVATION PRACTICE LOAN PROGRAM LAWS

1/30	INTRODUCED		
1/30	FIRST READING		
1/30	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
2/04	HEARING		
2/19	COMMITTEE REPORT—BILL PASSED		
2/21	2ND READING PASSED	98	1
2/26	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
3/03	FIRST READING		
3/03	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
3/12	HEARING		
3/13	COMMITTEE REPORT—BILL CONCURRED		
3/15	2ND READING CONCURRED	47	0
3/17	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/21	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 141		
	EFFECTIVE DATE: 03/25/97		

HB 403 INTRODUCED BY SWANSON, ET AL. *LC0491 DRAFTER: HEIMAN*

ALLOW AN INDIVIDUAL INCOME TAX DEDUCTION FOR THE ENTIRE AMOUNT OF PREMIUM PAYMENTS MADE FOR MEDICAL AND LONG-TERM CARE INSURANCE

1/30	INTRODUCED
1/30	FIRST READING
1/30	REFERRED TO TAXATION
1/30	FISCAL NOTE REQUESTED
2/04	FISCAL NOTE RECEIVED
2/04	FISCAL NOTE PRINTED
2/05	HEARING
3/05	TABLED IN COMMITTEE
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL
	DIED IN COMMITTEE

HB 404 INTRODUCED BY REHBEIN, ET AL. *LC1082 DRAFTER: STERNBERG*

DEDICATE $1 FROM THE SALE OF EACH MONTANA WILDLIFE CONSERVATION LICENSE TO BE USED FOR A PROGRAM ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR THE CONSERVATION OF WILDLIFE THROUGH PREDATOR CONTROL

1/31	INTRODUCED
1/31	FIRST READING
1/31	REFERRED TO FISH, WILDLIFE & PARKS
1/31	FISCAL NOTE REQUESTED

HEARING ON HB 419

Opening Statement by Sponsor: REP. BRUCE SIMON
{Tape: 2; Side: B; Approx. Time Count: 25.1}

Questions From Committee Members and Responses:
{Tape: 2; Side: B; Approx. Time Count: 28.9; Comments: There were no witnesses testifying as proponents or opponents on this bill.}

Closing by Sponsor: REP. SIMON
{Tape: 2; Side: B; Approx. Time Count: 31.6}

HEARING ON HB 411

Opening Statement by Sponsor: REP. CHRIS AHNER
EXHIBITS 10 and 11

Proponents' Testimony:

MITZI SCHWAB, Department of Health and Human Services EXHIBIT 12
{Tape: 2; Side: B; Approx. Time Count: 35.1}

CLARK PINKERTON
{Tape: 2; Side: B; Approx. Time Count: 36.7}

REP. AHNER EXHIBIT 13
{Tape: 2; Side: B; Approx. Time Count: 37.5 - Tape 3; Side A; 2.5; Comments: Rep. Ahner read statement of witness as shown in Exhibit 13.}

Questions From Committee Members and Responses:
{Tape: 3; Side: A; Approx. Time Count: 3.0 - 24.3; Comments: This exhibit was distributed during questions portion of the hearing.}

EXHIBIT 14

Closing by Sponsor: REP. AHNER
{Tape: 3; Side: A; Approx. Time Count: 24.4}

HEARING ON HB 401

Opening Statement by Sponsor: REP. JOE BARNETT
{Tape: 3; Side: A; Approx. Time Count: 26.7}

Proponents' Testimony:

SCOTT RESTVEDT, Bail Bondsman, Belgrade
{Tape: 3; Side: A; Approx. Time Count: 32.9}

MARY JO FOX, Governor's Office
{Tape: 3; Side: A; Approx. Time Count: 38.6}

DEAN CROW, Bail Bondsman
{Tape: 3; Side: A; Approx. Time Count: 39.5}

EARL ROWE, Bail Bondsman
{Tape: 3; Side: A; Approx. Time Count: 39.9}

Opponents' Testimony:

BOB GILBERT, Montana Magistrates Association
{Tape: 3; Side: A; Approx. Time Count: 40.6; Comments: Opposed time allotment.}

JOHN CONNOR, Montana County Attorneys Association
{Tape: 3; Side: A; Approx. Time Count: 41.6; Comments: Opposed time allotment.}

Questions From Committee Members and Responses:
{Tape: 3; Side: B; Approx. Time Count: 0.2 - 7.4}

Closing by Sponsor: **REP. BARNETT**
{Tape: 3; Side: B; Approx. Time Count: 7.5}

EXECUTIVE ACTION ON HB 222

Motion/Vote: **REP. ANDERSON moved HB 222 DO PASS AS AMENDED.** The motion carried 11 - 8; REPS. WYATT, SANDS, MC CULLOCH, PEASE, ELLINGSON, HURDLE, BOHARSKI and KOTTEL voting no. (REP. KOTTEL voted by proxy, REP. BERGMAN was not present for the vote.)
{Tape: 3; Side: B; Approx. Time Count: 12.1}

EXECUTIVE ACTION ON HB 419

Motion: **REP. ANDERSON moved HB 419 DO PASS.**
{Tape: 3; Side: B; Approx. Time Count: 14.5}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: Not recorded}

Motion: **REP. ELLINGSON moved to amend HB 419 by striking subsection e on line 20, page 1.**

Discussion:
{Tape: 3; Side: B; Approx. Time Count: Not recorded}

Motion/Vote: **REP. MC GEE moved to table HB 419.** The motion carried 19 - 0. (REP. KOTTEL was not present for the vote.)

{Tape: 3; Side: B; Approx. Time Count: 23.0 - 24.1; Comments: Committee discussion and point of personal privilege by REP. AHNER.}

EXECUTIVE ACTION ON HB 389

Motion: **REP. BOHARSKI moved HB 389 DO NOT PASS.**
{Tape: 3; Side: B; Approx. Time Count: 24.2}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 24.3 - 26.9}

Motion/Vote: **REP. HANSON moved to table HB 389.** The motion carried 16 - 4; REPS. BOHARSKI, CLARK, MOLNAR and MC GEE voting no.
{Tape: 3; Side: B; Approx. Time Count: 27.0}

EXECUTIVE ACTION ON HB 401

Motion: **REP. ANDERSON moved HB 401 DO PASS.**

Motion: **REP. ANDERSON moved the amendments proposed by the sponsor.**

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 28.5 - 29.9}

Vote: The motion carried by unanimous voice vote.

Motion: **REP. AHNER moved HB 401 DO PASS AS AMENDED.**
{Tape: 3; Side: B; Approx. Time Count: 30.3}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 30.5}

Motion: **REP. ANDERSON moved to amend HB 401 to 60 days.**
{Tape: 3; Side: B; Approx. Time Count: 31.0}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 31.5}

Vote: The motion to further amend HB 401 failed by voice vote.
{Tape: 3; Side: B; Approx. Time Count: 33.0}

Vote: The motion DO PASS AS AMENDED carried 20-0.

EXECUTIVE ACTION ON HB 411

Motion: **REP. BOHARSKI moved HB 411 DO PASS.**
{Tape: 3; Side: B; Approx. Time Count: 33.7}

Discussion:
{Tape: 3; Side: B; Approx. Time Count: 34.0 - 39.8}

Motion: **REP. BOHARSKI moved proposed amendments.**
{Tape: 3; Side: B; Approx. Time Count: 39.9}

Discussion:
{Tape: 3; Side: B; Approx.Time Count: 40.1 - Tape 4; Side A; 2.0}

Vote: The motion failed by voice vote.

HOUSE STANDING COMMITTEE REPORT

February 11, 1997

Mr. Speaker: We, the committee on **Judiciary** report that **House Bill 401** (first reading copy -- white) **do pass as amended**.

Signed: Bob Clark

Bob Clark, Chair

And, that such amendments read:

1. Title, lines 6 and 7.
Strike: "REQUIRING" on line 6 through "RELEASE;" on line 7

2. Title, lines 8 through 10.
Strike: "REQUIRING" on line 8 through "INSTANCES;" on line 10

3. Page 2, lines 21, 22, and 30.
Strike: "shall"
Insert: "may"

-END-

2/11
mp

Committee Vote:
Yes 20, No 0.

321638SC.Hgd

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL DATE 2/11/97

NAME	PRESENT	ABSENT	EXCUSED
REP. BOB CLARK, CHAIRMAN	✓		
REP. DANIEL MC GEE, VICE CHAIR	✓		
REP. DIANA WYATT, VICE CHAIR 8Am	✓		✓
REP. CHRIS AHNER	✓		
REP. SHIELL ANDERSON	✓		
REP. ELLEN BERGMAN	✓		
REP. WILLIAM BOHARSKI 8Am	✓		
REP. AUBYN CURTISS	✓		
REP. JON ELLINGSON	✓		
REP. DUANE GRIMES	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. JOAN HURDLE	✓		
REP. DEB KOTTEL	✓		
REP. LINDA MC CULLOCH	✓		
REP. BRAD MOLNAR	✓		
REP. GERALD PEASE	✓		
REP. DIANE SANDS	✓		
REP. LIZ SMITH	✓		
REP. LOREN SOFT	✓		
REP. BILL TASH 8 Am	✓		

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

JUDICIARY COMMITTEE DATE 2/11/97

BILL NO. HB 401 SPONSOR(S) Rep. Barrett

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Bob Gilbert	MT Magistrates Assn		X
EARL ROWE	THE BONDSMAN MISSOULA	X	
SCOTT PISTVEDT	VALLEY BONDING BOZEMAN	X	
Dean Crow	Valley Bonds Bozeman	X	
Gene Richeson Helena MT	Anderson Bonding Co	X	
MAURE Anderson Chairs	Anderson Bonding Co.	X	
Kelly Reissack Helena mt	Big Sky Bail Bond	X	
Mary Jo Fox	Governor's Office	X with amend.	
John Connor	MT County Atty's Assn		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HR:1993
wp:vissbcom.man
CS-14

the Senate last session. It doesn't remove access to a jury trial, and is a taxpayer-friendly bill. Section 3-14-201, MCA, is already in civil action in courts not of record. The bill passed out of the House on a vote of 99-0.

Proponents' Testimony: **Gordon Morris, Montana Association of Counties (MACO).** We hope this will cut down on the number of frivolous cases being filed.

Russell Hill, Montana Trial Lawyers Association (MTLA). The amendment is good, and we have no problem with the bill, but I want it entered into the record that the language on line 22 applies to both parties.

Opponents' Testimony: None

Questions From Committee Members and Responses: **VICE CHAIRMAN LORENTS GROSFIELD.** I'm confused about the fully informed jury in the amendment. **Russell Hill.** The fully informed jury you're thinking of is completely different.

VICE CHAIRMAN GROSFIELD. I'm trying to understand how the Court might find, if the jury didn't, and vice versa. **Russell Hill.** We had concerns about that, too.

{Tape: 1; Side: A; Approx. Time Count: #11.5; Comments: None}

SEN. AL BISHOP. Can a judge sanction a party to the action? **Russell Hill.** I believe that's right. When something is frivolous, the courts have handed both sides tens of thousands of dollars in sanctions. The lawyers on the Committee know better whether that's against the attorney or against the party.

SEN. BISHOP. I know a judge in Rosebud County sanctioned the Yellowstone County Attorney for about $16,000 in attorney's fees for the other side. So, I'm wondering how the plaintiff or the defendant would know whether or not it's a good cause of action or whether it's frivolous.

SEN. SUE BARTLETT. Will this cover child custody and support cases brought simply to harass the other spouse? **REP. HOLLAND.** Not being an attorney, I'd assume it would be included if it's in a court of record.

Closing by Sponsor: **REP. HOLLAND.** I'm asking that **SEN. REINY JABS** carry the bill, and I thank the Committee for a good hearing and would appreciate your support.

HEARING ON HB 401

Sponsor: **REP. JOE BARNETT, HD 32, Belgrade**

Proponents: **Scott Restvedt, Valley Bail Bonds, Belgrade**

Morrie Anderson, Anderson Bonding Company, Great Falls
Red Jorgenson, Anderson Bonding Company, Great Falls
Earl Roe, Missoula bondsman
Kelly Reisbeck, Big Sky Bail Bonds, Helena
Dean Crow, Valley Bail Bonds, Belgrade
Steve Warmoth, American Bail Bonding
Beth Baker, Department of Justice, for John Conner

Opponents: **Bob Gilbert, Montana Magistrates Association**

Opening Statement by Sponsor: **REP. JOE BARNETT, HD 32, Belgrade.** I carried this bill to the Governors desk last session where it was vetoed. The bill had been before the Senate Business and Industry Committee, and not Senate Judiciary.

On page 2, line 16, the bill exempts bondspeople from continuing education classes, as no courses exist pertaining to them. On page 2, line 29, the time frame is changed form "30" to "90" days for forfeiture of a bond. On page 3, lines 4-6, the Department of Justice wants to amend "must' to "may" concerning bail bond exoneration. I resist this because judges' interpretations aren't uniform across Montana. On page 2, lines 21-22, and 30, we juggled "may" "shall" language. The Governor supports the bill as it is now. I will reserve the right to close.

Proponents' Testimony: **Scott Restvedt, Valley Bail Bonds, Belgrade.** The classes we are now required to attend are costly and don't help us. The Magistrates Association is not happy with extending the time from 30 to 90 days for us to apprehend a bail skip. If we can apprehend on day 79, then justice is ultimately served. One part of the law now says 30 days, and one part says 90 days, but the judges are interpreting it as 30 days. If we fail to apprehend the skip in 90 days, we'll gladly pay the money we pledged. The bill also addresses people incarcerated in foreign countries. We babysit about 6000 people at a cost of about $61 per day.

Mary Jo Fox, Governor's Office. We support the bill as it is amended now, and appreciate the cooperative efforts and progress made in working together on this bill.

{Tape: 1; Side: A; Approx. Time Count: #25.0; Comments: None.}

Morrie Anderson, Anderson Bonding Company, Great Falls. I would ask your support of this legislation.

Red Jorgenson, Anderson Bonding Company, Great Falls, stated his support of the bill.

Earl Roe, Missoula bondsman, stated his support of the bill.

Kelly Reisbeck, Big Sky Bail Bonds, Helena. We do need additional days to track people down who skip.

{Tape: 1; Side: A; Approx. Time Count: #26.5; Comments: None.}

Dean Crow, Valley Bail Bonds, Belgrade, stated his support of the bill.

Steve Warmoth, American Bail Bonding. I have been in business since 1985. We do need 90 days to track these people down.

Beth Baker, Department of Justice, for John Conner. We appreciate the effort that has gone into the bill. We are suggesting you change "must" to "may" on page 3, line 4, however. If you look on line 5, it says "foreign jurisdiction". When a defendant fails to appear, a warrant is issued on the State network and with the National Crime Information Center. So, if they are arrested elsewhere, they usually know about the warrant, but the defendant is sometimes released, as we can't extradite or for other reasons. So, this doesn't mean the defendant will return and appear in Montana. Under the law, forfeiture of bail is allowed to be used for restitution of victims. I have submitted this amendment to **Valencia Lane.**

Opponents' Testimony: **Bob Gilbert, Montana Magistrates Association.** We support all of the bill except Page 29, line 29. We believe that language is a little misleading, as in the first 30 days they don't have to produce the defendant; they only have to appear and give a satisfactory reason why the defendant is not there. Then they are allowed 60 more days to produce the defendant. We believe this puts an additional burden on the Court. These bondsmen know the risks they take in this business. The rest of the bill is good; however, they did neglect to speak with the Montana Magistrates on this.

Questions From Committee Members and Responses: **SEN. BARTLETT.** What are acceptable excuses to a judge? **Bob Gilbert.** I am not involved in that process, but assume if the excuse were "reasonable" that would work.

SEN. JABS. Do you know what excuses are acceptable? **Morrie Anderson.** There is no excuse that is acceptable other than that we can't locate the person, unless they are in the hospital or similar circumstance.

{Tape: 1; Side: A; Approx. Time Count: #36.5; Comments: None}

SEN. RIC HOLDEN. Did the Governor agree with changing "must" on page 3, line 4? **Susan Fox.** Yes.

SEN. HOLDEN. I'm not familiar with the bail bond business and wondered if you have authority to use force to return people to court? **Scott Restvedt.** Federal law says we can go anywhere in the U.S. without a warrant and bring these people back.

SEN. HOLDEN. Can you use a weapon? **Scott Restvedt.** Yes, federal law allows this.

Closing by Sponsor: REP. BARNETT. I want to thank the Committee for their good questions, and ask that you resist the amendment. Some judges even have hard feelings toward bondsmen. I believe bondsmen are performing a service for the people of Montana. I have asked **SEN. HARGROVE** to carry the bill.

HEARING ON HB 411

Sponsor: **REP. CHRIS AHNER, HD 51, Helena**

Proponents: **Cathy Reagor, Registered Nurse, Department of Public Health and Human Services (DPHHS) and mother, Helena**

Opponents: **None**

Opening Statement by Sponsor: REP. CHRIS AHNER, HD 51, Helena. This bill is not making it a crime to get a tattoo, but makes it a crime for someone to tattoo a minor without parental consent. Health problems include allergy, hepatitis, and AIDS. The industry favors this bill because it protects them, as well.

{Tape: 1; Side: B; Approx. Time Count: #00; Comments: 9:47 a.m.}

Proponents' Testimony: Cathy Reagor, Registered Nurse, Helena, and Department of Public Health and Human Services (DPHHS) (EXHIBIT #1a), but appearing as a mother today. There is an extreme amount of information about tattoos now in the media, sports, etc, and this especially affects teens. My daughter obtained seven tattoos during the summer which were hidden under her clothing. She said getting a tattoo gave her a high.

As a nurse, I can't even dress a wound without parental consent, yet a tattoo artist can mar my under-age child and expose her to infectious diseases without my consent. This makes me very angry. I would have wanted to inspect the needle, and the ink and watch that no drugs were inserted under her skin.

I've heard reports that tattooists may not have enough needles when a number of clients show up at once, and that they may reuse needles rather than ask some of the clients to return at another time.

I am concerned about the future of my daughter because of these scarring tattoos. When I went to DPHHS about regulating this, they wouldn't touch it, and said they'd leave it up to the counties. There are 15 advertised tattoo parlors in Montana.

The cost of removing a tattoo is very expensive as well as painful. A friend has spent over $10,000 on removal, and her insurance does not cover it.

THE COMMITTEE RECESSED AT 10:15 A.M. AND RECONVENED AT 10:30 A.M.

{Tape: 1; Side: B; Approx. Time Count: #30.6; Comments: None}

EXECUTIVE ACTION ON HB 411

Motion/Vote: SEN. MIKE HALLIGAN MOVED HB 411 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 401

Amendments: Department of Justice, hb040101.avl **(EXHIBIT 8)**

Motion: SEN. SUE BARTLETT MOVED HB 401 BE CONCURRED IN.

Motion: SEN. HALLIGAN MADE A SUBSTITUTE MOTION TO ADOPT THE DEPARTMENT OF JUSTICE AMENDMENTS.

Discussion: SEN. HOLDEN. I would resist the amendments, as the Governor approved of the bill prior to this hearing. **SEN. HALLIGAN.** I am asking the Attorney General's Office to comment. Mary Jo Fox and I went to see the Governor following this hearing. He said the bill would be better with the amendment, but he wouldn't veto it if the amendment were added. **REP. BARNETT** was apprised of this, and was disappointed. There is a problem when skips are incarcerated in other states. There is more incentive for the bail bondsmen to retrieve the person, where there wouldn't be with automatic exoneration.

SEN. WALTER MCNUTT. I would resist the amendment. **SEN. HALLIGAN.** If we are talking about staying tough with criminals, this is a good amendment.

{Tape: 1; Side: B; Approx. Time Count: #37.2; Comments: 10:40 a.m.}

SEN. JABS. Maybe we would say they must give the money back upon death or incarceration of the defendant. **Beth Baker. SEN. JABS** has a good suggestion. Conceptually, we have no problem with it.

Substitute Motion: SEN. HALLIGAN WITHDREW HIS PRIOR MOTION AND MOVED TO ADOPT THE LANGUAGE PROPOSED BY SEN. JABS.

Discussion: SEN. HALLIGAN. Will you address the proposed amendment? **Scott Restvedt.** If we have a guy out in Utah, and have 30 days to get him or pay the judge $1000, then I've lost $1000. If he's in jail for 15 days, that is no problem. If Montana wants them bad enough, the State can extradite them from an out-of-state jail. **Beth Baker.** I don't believe exoneration should be mandatory.

SEN. HALLIGAN WITHDREW HIS MOTION TO ADOPT THE LANGUAGE PROPOSED BY SEN. JABS.

SEN. BARTLETT WITHDREW HER MOTION THAT HB 401 BE CONCURRED IN.

No further action was taken on HB 401 at this time.

EXECUTIVE ACTION ON HB 251

Motion: SEN. JABS MOVED HB 251 BE CONCURRED IN.

Discussion: SEN. BARTLETT. I missed the beginning testimony on this bill and wondered why you are cutting "and such other costs...incurred by the court"? Does this come into play at all in relation to child custody and support cases? **Valencia Lane.** I don't know why not, as it applies to all civil cases, and these are civil cases.

Vote: SEN. JABS' MOTION THAT HB 251 BE CONCURRED IN CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 68

Motion: SEN. HOLDEN MOVED HB 68 BE CONCURRED IN.

Discussion: VICE CHAIRMAN GROSFIELD. The motion to pass the bill yesterday failed 4-6. Then a motion to table the bill failed 5-5, and David Ohler was to come up with an amendment to address the concerns of the Committee, so we ought to give him time to discuss them.

SEN. HOLDEN WITHDREW HIS MOTION. No further action was taken on HB 68 at this time.

{Tape: 2; Side: A; Approx. Time Count: #11.2; Comments: None}

EXECUTIVE ACTION ON HB 44

Amendments: hb004402.avl **(EXHIBIT #9)**

Motion: SEN. BARTLETT MOVED TO ADOPT THE AMENDMENTS - hb004402.avl.

Discussion: SEN. BARTLETT. Any money forfeited over $200 should go first to the victim, in all of Subsection (2) in the amendments. Both HB 540 and SB 54 have been or will be amended to read this same way.

SEN. JABS. What about insurance compensation in subsection (iv)? **SEN. BARTLETT.** Neither insurance companies nor victims should bear that loss if the inmate can come up with the money.

VICE CHAIRMAN GROSFIELD. We discussed this some yesterday, but no one with an insurance background was around to answer questions. In the case of a victim with medical expenses as a result of a criminal act, does the DUI driver's insurance cover it or not? **SEN. HOLDEN.** It would.

EXECUTIVE ACTION ON HB 401

Amendments: **Beth Baker**. The Department of Justice proposes striking the remainder of the sentence in the last subsection on page 3, and inserting "for the period exceeding the time limit provided by Subsection (3)".

Discussion: **Susan Fox**. The Governor won't veto the bill if it is left as is, and would accept the one Department of Justice amendment to improve the bill. I can't comment on further changes, however.

{Tape: 2; Side: b; Approx. Time Count: #8.8; Comments: None}

Motion/Vote: **SEN. HALLIGAN MOVED TO ADOPT THE DEPARTMENT OF JUSTICE AMENDMENT ON THE CONDITION THAT THE SPONSOR COULD OBJECT TO IT IN THE HOUSE AND THEY COULD WORK ON IT FURTHER, IF NECESSARY. THE MOTION CARRIED WITH ALL MEMBERS VOTING AYE EXCEPT SENATORS CRIPPEN, ESTRADA, AND JABS WHO VOTED NO.**

Motion/Vote: **SEN. HALLIGAN MOVED HB 401 BE CONCURRED IN AS AMENDED. THE MOTION CARRIED UNANIMOUSLY.**

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 8
DATE 3/12/97
BILL NO. HB401

Amendments to House Bill No. 401
Third Reading Copy (blue)

For the Committee on Judiciary

Prepared by Valencia Lane
March 12, 1997

1. Page 3, line 4.
Following: "death"
Strike: ","
Insert: "or"
Following: "incarceration"
Strike: ","

2. Page 3, lines 5 and 6.
Following: "jurisdiction" on line 5
Strike: remainder of line 5 through "surety" on line 6
Insert: "for a period exceeding the time limits under subsection (3)"

SENATE STANDING COMMITTEE REPORT

March 12, 1997

MR. PRESIDENT:
We, your committee on Judiciary having had under consideration House Bill 401 (third reading copy -- blue), respectfully report that House Bill 401 be amended as follows and as so amended be concurred in.

Signed: _____
Senator Bruce Crippen, Chair

That such amendments read:

1. Page 3, line 4.
Following: "death"
Strike: "_"
Insert: "or"
Following: "incarceration"
Strike: "_"

2. Page 3, lines 5 and 6.
Following: "jurisdiction" on line 5
Strike: remainder of line 5 through "surety" on line 6
Insert: "for a period exceeding the time limits under subsection (3)"

-END-

Amd. Coord.
Sec. of Senate

Senator Carrying Bill

MONTANA SENATE
1997 LEGISLATURE
JUDICIARY COMMITTEE

ROLL CALL DATE 3-12-97

NAME	PRESENT	ABSENT	EXCUSED
SUE BARTLETT	✓		
AL BISHOP	✓		
STEVE DOHERTY present @ 11:25am	✓		
SHARON ESTRADA	✓		
MIKE HALLIGAN	✓		
RIC HOLDEN	✓		
REINY JABS	✓		
WALT MC NUTT	✓		
LORENTS GROSFIELD, VICE CHAIRMAN	✓		
BRUCE CRIPPEN, CHAIRMAN	✓		✓

SEN:1995
wp.rollcall.man
CS-09

MONTANA SENATE
1997 LEGISLATURE
JUDICIARY COMMITTEE
ROLL CALL VOTE

DATE 3-12-97 BILL NO. HB401 NUMBER 1

MOTION: Hall - Mot to amend

NAME	AYE	NO
SUE BARTLETT	↘	
AL BISHOP	↘	
STEVE DOHERTY	↘	
SHARON ESTRADA		↘
MIKE HALLIGAN	↘	
RIC HOLDEN	↘	
REINY JABS		↘
WALT MC NUTT		↘
LORENTS GROSFIELD, VICE CHAIRMAN	↘	↘
BRUCE CRIPPEN, CHAIRMAN		
	6	4

SEN:1995
wp:rlclvote.man
CS-11

DATE 3-12-97

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: HB 251, HB 401, HB 411

< ■ > PLEASE PRINT < ■ >

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Bob Gilbert	MONTANA MAGISTRATES ASSOC.	HB 401		X
EARL ROWE	THE BONDSMAN-BAIL BONDS	401	X	
Dean Crow	Valley Bail Bonds	401	X	
Beth Baker	County Attorneys / DOJ	401	Amend	
Gordon Morris	MACO	251	✓	
MORRIS ANDERSON	ANDERSON BONDING CO	401	X	
Red Joergensen	ANDERSON Bonding Co GREAT FALLS	401	X	
Steve Yarmoth	American Bonding	401	X	
Kelly Reisbeck	Big Sky Bail Holland Hill	401	X	
Scott Pistrodt	Valley Bail Bonds			
Russell B Hill	MT Trial Lawyers	HB251	—	
Mary Jo Fe	Governor Racicot	401	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

REGISTER.F10